

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

MICHAEL HILL,)	
)	
Plaintiff,)	CIVIL ACTION NO. 03-323E
)	
v.)	JUDGE McLAUGHLIN
)	MAGISTRATE JUDGE BAXTER
JOHN LAMANNA, et al.,)	
)	(Electronic Filing)
Defendants.)	

**DEFENDANTS' MOTION FOR SUMMARY JUDGMENT,
OR IN THE ALTERNATIVE, MOTION TO DISMISS**

AND NOW, comes Defendants, John LaManna, William Collins, and the United States of America ("United States"), by their attorneys, Mary Beth Buchanan, United States Attorney for the Western District of Pennsylvania, and Michael C. Colville, Assistant United States Attorney for said district, and, pursuant to Rules 12(b) and 56 of the Federal Rules of Civil Procedure, respectfully moves the Court to issue an Order granting Defendants' Motion for Summary Judgment, or in the Alternative, Motion to Dismiss the Fifth Amended Complaint of Plaintiff Michael Hill, with prejudice.

A Brief in support of this Motion, as well as the Appendix of Exhibits, are being filed simultaneously herewith and the contents therein incorporated by reference.

WHEREFORE, Defendant respectfully requests that the Court issue an Order granting Defendants' Motion for Summary Judgment, or in the Alternative, Motion to Dismiss the Complaint of Plaintiff Michael Hill, with prejudice and with costs being assessed against Plaintiff.

Respectfully submitted,

MARY BETH BUCHANAN
United States Attorney

/s/ Michael C. Colville
MICHAEL C. COLVILLE
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CERTIFICATE OF SERVICE

I hereby certify that on this 2nd day of February, 2007, a true and correct copy of the within **Defendants' Motion for Summary Judgment, or in the Alternative, Motion to Dismiss** was served, by either electronic means or by postage paid U.S. Mail, to and upon the following:

Richard A. Lanzillo, Esquire
Knox McLaughlin Gornall & Sennett, P.C.
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/s/ Michael C. Colville
MICHAEL C. COLVILLE
Assistant U.S. Attorney